

By: Hinojosa

S.B. No. 1321

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the towing and storage of vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 2303.160, Occupations Code, is amended to read as follows:

Sec. 2303.160. RELEASE OF VEHICLES AND CARGO.

SECTION 2. Section 2303.160, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c)(1), a vehicle storage facility shall release the cargo of a commercial carrier vehicle received by the facility:

(1) to a person listed in a bill of lading, manifest, or other transport or cargo ownership document or to the listed person's representative;

(2) within one hour of receipt of a written request;
and

(3) without charging a fee.

SECTION 3. Section 2308.002, Occupations Code, is amended by adding Subdivision (1-d) to read as follows:

(1-d) "Commercial carrier" includes a passenger commercial carrier.

SECTION 4. Section 2308.051(a), Occupations Code, as amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended

1 to read as follows:

2 (a) The advisory board consists of the following members
3 appointed by the presiding officer of the commission with the
4 approval of the commission:

5 (1) one representative of a towing company operating
6 in a county with a population of less than one million;

7 (2) one representative of a towing company operating
8 in a county with a population of one million or more;

9 (3) one owner of a vehicle storage facility located in
10 a county with a population of less than one million;

11 (4) one owner of a vehicle storage facility located in
12 a county with a population of one million or more;

13 (5) one parking facility owner;

14 (6) one law enforcement officer from a county with a
15 population of less than one million;

16 (7) one law enforcement officer from a county with a
17 population of one million or more;

18 (8) one representative of property and casualty
19 insurers who write automobile insurance in this state; ~~and~~

20 (9) one representative of a booting company;

21 (10) one representative of a trucking company;

22 (11) one representative of a passenger commercial
23 carrier; and

24 (12) [~~9~~] one public member.

25 SECTION 5. Subchapter I, Chapter 2308, Occupations Code, is
26 amended by adding Section 2308.408 to read as follows:

27 Sec. 2308.408. PROCEDURE FOR INCIDENT MANAGEMENT TOW WITH

1 OWNER OR OPERATOR PRESENT. (a) This section applies to an incident
2 management tow when the owner or operator of the vehicle is present
3 at the time of the tow, including a tow that involves a commercial
4 carrier.

5 (b) Before towing a vehicle, the tow truck operator shall:

6 (1) present a schedule of fees applicable to the tow to
7 the owner or operator of the vehicle;

8 (2) obtain the name, telephone number, and address or
9 business address of the owner or operator;

10 (3) obtain the name, telephone number, and address or
11 business address of the person authorizing the tow; and

12 (4) prepare in duplicate and present to the owner or
13 operator a statement containing:

14 (A) the name and address of the tow company;

15 (B) the permit number of the certificate issued
16 under Section 2308.106(b);

17 (C) the license plate number of the tow truck;

18 (D) the license plate number of the vehicle
19 towed;

20 (E) the name, telephone number, and address or
21 business address of the owner or operator of the vehicle to be
22 towed;

23 (F) the name, telephone number, and address or
24 business address of the person authorizing the tow;

25 (G) the total amount charged for the tow,
26 including the number of miles towed;

27 (H) the daily rate of the vehicle storage

1 facility to which the vehicle will be towed; and

2 (I) a separate listing for all recovery fees
3 associated with the tow.

4 (c) The tow company shall keep a copy of the statement
5 prepared under Subsection (b) until the first anniversary of the
6 date of the tow and make the information available to the department
7 on request. The tow truck operator shall make the information
8 required by Subsection (b)(3)(E) available to law enforcement on
9 request.

10 (d) The tow company shall submit a report monthly to the
11 department containing for each tow that involved a commercial
12 carrier:

13 (1) the number of miles towed for each tow;

14 (2) the amount charged for towing; and

15 (3) any amount charged for recovery.

16 SECTION 6. Promptly after the effective date of this Act,
17 the presiding officer of the Texas Commission of Licensing and
18 Regulation shall appoint to the Towing, Storage, and Booting
19 Advisory Board a representative of a trucking company and a
20 representative of a passenger commercial carrier, as required by
21 Section 2308.051(a), Occupations Code, as amended by this Act. The
22 presiding officer shall appoint one representative to a term
23 expiring February 1, 2013, and one member to a term expiring
24 February 1, 2015.

25 SECTION 7. The changes in law made by this Act to Section
26 2303.160, Occupations Code, apply only to a vehicle received in
27 storage on or after the effective date of this Act. A vehicle

1 received in storage before the effective date of this Act is
2 governed by the law in effect on the date the vehicle was received
3 by the facility, and the former law is continued in effect for that
4 purpose.

5 SECTION 8. This Act takes effect September 1, 2011.